

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Blue Spike, LLC,

*Plaintiff,*

V.

Texas Instruments, Inc., et al.,

### *Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

## Jury Trial Demanded

**DECLARATION OF COUNSEL FOR BLUE SPIKE, LLC PETER BRASHER IN  
SUPPORT OF COUNTERDEFENDANT'S MOTION TO EXTEND DEADLINE  
BY 9 DAYS TO RESPOND TO AUDIBLE MAGIC'S DISCOVERY**

I, Peter Brasher, declare as follows:

1. I am an attorney at the law firm Garteiser Honea, PLLC and my firm represents Blue Spike LLC.

2. I was on paternity leave during the period when the mentioned documents were served.

3. I am responsible, as part of my work responsibilities, to handle calendaring of responses to discovery.

4. As a result of my paternity leave, I missed the mentioned discovery and never brought it to the attention of the lead attorney and our client. The above is the result of a miscommunication regarding new responsibilities.

I declare on July 30, 2014, under penalty of perjury under the laws of

the United States and Texas that the statements made in this declaration are true and correct.

/s/ Peter Brasher  
Peter Brasher

**ATTESTATION**

I, Randall Garteiser, filed this declaration of Peter Brasher with his permission to sign it on his behalf. I used my ECF user ID to file this document on the date it is endorsed by the Court, July 30, 2014.

/s/ Randall Garteiser  
Randall T. Garteiser